

HOUSE BILL 1351

M4

8lr2806

By: **Delegates Krebs, Rose, and Shoemaker**

Introduced and read first time: February 9, 2018

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Agriculture – Easements – Special Occasion Events**

3 FOR the purpose of authorizing a landowner to use a portion of the land subject to an
4 easement to hold a certain special occasion event under certain circumstances;
5 specifying that a certain approval granted by the Maryland Agricultural Land
6 Preservation Foundation to a landowner to use the land subject to an easement to
7 hold a certain special occasion event automatically terminates on the sale or transfer
8 of the land subject to the easement; providing for the application of this Act; and
9 generally relating to the use of land under an easement held by the Maryland
10 Agricultural Land Preservation Foundation.

11 BY repealing and reenacting, without amendments,
12 Article – Agriculture
13 Section 2–513(a) and (b)(1)
14 Annotated Code of Maryland
15 (2016 Replacement Volume and 2017 Supplement)

16 BY adding to
17 Article – Agriculture
18 Section 2–513(d)
19 Annotated Code of Maryland
20 (2016 Replacement Volume and 2017 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article – Agriculture
23 Section 2–513(d) and (e)
24 Annotated Code of Maryland
25 (2016 Replacement Volume and 2017 Supplement)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
27 That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Agriculture

2 2–513.

3 (a) Agricultural land preservation easements may be purchased under this
4 subtitle for any land in agricultural use which meets the minimum criteria established
5 under § 2–509 of this subtitle if the easement and county regulations governing the use of
6 the land include the following provisions:

7 (1) Any farm use of land is permitted.

8 (2) Operation at any time of any machinery used in farm production or the
9 primary processing of agricultural products is permitted.

10 (3) All normal agricultural operations performed in accordance with good
11 husbandry practices which do not cause bodily injury or directly endanger human health
12 are permitted including, but not limited to, sale of farm products produced on the farm
13 where such sales are made.

14 (b) (1) A landowner whose land is subject to an easement may not use the land
15 for any commercial, industrial, or residential purpose except:

16 (i) As determined by the Foundation, for farm– and forest–related
17 uses and home occupations; or

18 (ii) As otherwise provided under this section.

19 **(D) (1) IN THIS SUBSECTION, “SPECIAL OCCASION EVENT” MEANS A**
20 **WEDDING, LIFETIME MILESTONE EVENT, OR OTHER CULTURAL OR SOCIAL EVENT.**

21 **(2) SUBJECT TO THE FOUNDATION’S APPROVAL AND ANY**
22 **APPLICABLE REGULATIONS, AND SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION,**
23 **A LANDOWNER MAY USE A PORTION OF THE LAND SUBJECT TO AN EASEMENT TO**
24 **HOLD A SPECIAL OCCASION EVENT IF:**

25 **(I) MORE THAN 10 YEARS HAVE ELAPSED SINCE THE**
26 **EASEMENT WAS RECORDED IN THE LAND RECORDS;**

27 **(II) THE LOCAL AGRICULTURAL ADVISORY BOARD PROVIDES A**
28 **WRITTEN FAVORABLE RECOMMENDATION FOR THE PROPOSED SPECIAL OCCASION**
29 **EVENT AREA;**

30 **(III) THE SPECIAL OCCASION EVENT IS NOT PROHIBITED BY**
31 **FEDERAL, STATE, AND LOCAL LAWS AND REGULATIONS;**

1 (IV) THE SPECIAL OCCASION EVENT WILL NOT INTERFERE WITH
2 STATE, LOCAL, OR FEDERAL RESTRICTIONS PLACED ON FUNDS USED BY THE
3 FOUNDATION TO PURCHASE THE EASEMENT;

4 (V) THE SPECIAL OCCASION EVENT AREA, INCLUDING PARKING
5 FOR THE SPECIAL OCCASION EVENT, DOES NOT EXCEED 2 ACRES, AS SHOWN ON A
6 MAP PREPARED AND CERTIFIED BY A PROFESSIONAL LAND SURVEYOR LICENSED
7 UNDER TITLE 15 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE;

8 (VI) THE FOUNDATION APPROVES IN WRITING THE LOCATION
9 OF THE SPECIAL OCCASION EVENT AREA;

10 (VII) THE FOUNDATION DETERMINES IN WRITING THAT THE
11 PROPOSED SPECIAL OCCASION EVENT WILL NOT INTERFERE WITH THE
12 AGRICULTURAL USE OF THE LAND SUBJECT TO THE EASEMENT;

13 (VIII) THE SPECIAL OCCASION EVENT TAKES PLACE IN:

14 1. A TEMPORARY STRUCTURE, INCLUDING AN
15 ENCLOSED OR OPEN CANOPY OR TENT, OR OTHER PORTABLE STRUCTURE ERECTED
16 FOR A REASONABLE AMOUNT OF TIME TO ACCOMMODATE THE SPECIAL OCCASION
17 EVENT;

18 2. AN EXISTING BUILDING ON THE LAND SUBJECT TO
19 THE EASEMENT;

20 3. A FARM OR OPEN AIR PAVILION; OR

21 4. ANY OTHER EXISTING STRUCTURE LOCATED ON THE
22 LAND SUBJECT TO THE EASEMENT; AND

23 (IX) UNLESS REQUIRED BY LAW, THE SPECIAL OCCASION EVENT
24 AREA DOES NOT ADD ANY NEW IMPERVIOUS SURFACES TO THE LAND SUBJECT TO
25 THE EASEMENT.

26 (3) AN APPROVAL GRANTED BY THE FOUNDATION UNDER THIS
27 SUBSECTION TO A LANDOWNER TO USE A PORTION OF THE LAND SUBJECT TO AN
28 EASEMENT TO HOLD A SPECIAL OCCASION EVENT AUTOMATICALLY TERMINATES ON
29 THE SALE OR TRANSFER OF THE LAND SUBJECT TO THE EASEMENT.

30 [(d)] (E) Purchase of an easement by the Foundation does not grant the public
31 any right of access or right of use of the subject property.

1 ~~[(e)]~~ (F) An agricultural land preservation easement purchased under this
2 subtitle shall be included as part of a partnership under the Readiness and Environmental
3 Protection Integration Program established under 10 U.S.C. § 2684a if:

4 (1) The land that is subject to an easement is in the vicinity of, or
5 ecologically related to, the Atlantic Test Range;

6 (2) The landowner whose land is subject to an easement agrees to any
7 restrictions imposed on the easement under the Readiness and Environmental Protection
8 Integration Program established under 10 U.S.C. § 2684a; and

9 (3) Funding is available to the Foundation to enter into an agreement
10 under the Readiness and Environmental Protection Integration Program established under
11 10 U.S.C. § 2684a.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
13 apply retroactively and shall be applied to and interpreted to affect agricultural
14 preservation easements purchased or acquired by the Maryland Agricultural Land
15 Preservation Foundation before the effective date of this Act.

16 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June
17 1, 2018.